

United States District Court, Northern District of Illinois

MHH

Name of Assigned Judge or Magistrate Judge	JOHN W. DANAHAN <i>John W. Danahan</i>	Sitting Judge If Other than Assigned Judge	
CASE NUMBER	08 C 3134	6-3-08 DATE	06-03-08
CASE TITLE	U.S. ex rel. Ronald Kliner (#B-77152) vs. Warden Terry McCann		

DOCKET ENTRY TEXT:

The respondent is ordered to answer the petition or otherwise plead within twenty-one days of the date of this order.

■ [For further details see text below.]

Docketing to mail notices.

STATEMENT

Ronald Kliner, a state prisoner, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The petitioner challenges, on numerous grounds, his conviction for first degree murder. The petitioner has paid the statutory filing fee.

The petitioner, through counsel, concedes that he has exhausted state court remedies only as to certain claims raised in his habeas petition; however, he contends that the failure to raise any ground before the highest court having jurisdiction is due to the ineffective assistance of appellate counsel and/or error of post-conviction counsel. Furthermore, the petitioner appears to have filed this action in a timely manner. Accordingly, the respondent is ordered to answer the petition or otherwise plead within twenty-one days of the date this order is entered on the clerk's docket. This preliminary order to respond does not, of course, preclude the State from making whatever waiver, exhaustion or timeliness arguments it may wish to present.

njm